

# IDAHO STATE DEPARTMENT OF AGRICULTURE ("ISDA")

## PETITION TO INITIATE RULEMAKING

All rulemaking petitions must substantially comply with IDAPA 04.11.01.820, which addresses petitions to initiate rulemaking as described by Section 67-5230, Idaho Code. The requirements have been laid out below. ISDA will consider all petitions and act to either initiate or deny rulemaking in accordance with I.C. § 67-5230(1) and IDAPA 04.11.01.821.

Please note that ISDA may only conduct rulemaking within the authority provided it by statute in order to govern the department's jurisdiction. *See* I.C. § 22-101(3). Prior to petitioning ISDA, please verify and understand the authority of ISDA as it relates to the petition's desired outcome. If a petition for rule change is outside of ISDA's legal authority, it will be denied.

Name of petitioner(s): **Jeffrey Clarke representing Natural Gas Vehicles of America (NGVAmerica)**

Address of petitioner: **400 N. Capitol Street, NW, Washington, DC 20001**

Phone number of petitioner: **202.824.7364**

Email address of petitioner: **jclarke@NGVAmerica.org**

Petitioner's interest in matter: **The Natural Gas Vehicles of America (NGVA) is a national trade association dedicated to the development of a growing and sustainable market for vehicles powered by natural gas including renewable natural gas. Additional information about the NGVA can be found online at <https://www.ngvamerica.org/>**

Describe the nature of the rule or amendment to the rule and the petitioner's suggested rule or amendment: **NGVAmerica requests that Idaho adopt the Diesel Gallon Equivalent (DGE) and Gasoline Gallon Equivalent (GGE) standards as defined in the National Institute of Standards and Technology (NIST) Handbook 44 (2017 edition) and incorporate these standards and their usage into IDAPA 02.02.14, Section 010, Definitions. And include the DGE and GGE method of sale for natural gas used as motor fuel within IDAPA 02.02.14, Section 300.**

Name of the statute, order, rule or other controlling law: IDAPA 02.02.14 Rules for Weights and Measures

Factual allegations upon which the petitioner relies to support the proposed rulemaking: **The following link describes the NGVAmerica's reasons for supporting the GGE and DGE units for dispensing natural gas as a motor fuel: <https://www.ngvamerica.org/government-policy/federal-incentives/dge-standard/>. Now that the National Conference on Weights and Measures has formally adopted these units as the legal method of sale for natural gas, adoption by Idaho and other states will ensure uniformity in commerce and recognition of these legal standards. This will aid consumers and businesses alike since many retailers selling natural gas operate are regional and even national retailers. The GGE and DGE also are now recognized nationally for tax purposes by the U.S. Federal Government, the International Fuel Tax Agreement Association, and a growing majority of state taxation authorities. Recognizing these units as the legal method of sale will facilitate tax compliance by providing greater alignment between the units used for sale and the units used for taxation.**

Citations of cases and/or statutory provisions that apply (optional): **Idaho tax code, I.C. § 63-2424, Gaseous Special Fuels, identifies the DGE and GGE used for taxing purposes.**